

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**THE CITY OF HUNTINGTON and  
CABELL COUNTY COMMISSION,  
Plaintiffs,**

**v.**

**CIVIL ACTION NO. 3:17-01362**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.**

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN FURTHER SUPPORT  
OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT ON STANDING**

COME NOW Plaintiffs, the City of Huntington and the Cabell County Commission, and respectfully submit this Notice of Supplemental Authority to inform the Court of the resolution recently passed by the Huntington City Council ("Council").

On April 13, 2020, the Council unanimously approved and adopted "Resolution 2020-R-13, Declaration of Public Nuisance Related to the Wrongful Manufacturing, Distribution And Dispensing of Prescription Pain Pills to Huntington Residents," attached hereto as Exhibit A. The Resolution states, among other things, that "the City of Huntington Council does hereby formally ratify and confirm the Mayor's prior findings that the wrongful manufacturing, distribution, and dispensing of prescription opioid pills, including hydrocodone and oxycodone, has created a public nuisance to the people of the City of Huntington." While the Plaintiffs do not believe that any resolution or ordinance is necessary for either of them to pursue this public nuisance action, *see* Doc. #287 at pp. 6-10, Resolution 220-R-13 clarifies any ambiguities that have been raised by Defendants over whether this action was authorized or supported by the Council.

Dated: April 15, 2020

Respectfully submitted,

THE CITY OF HUNTINGTON

CABELL COUNTY COMMISSION

/s/ Anne McGinness Kearse

Anne McGinness Kearse (WVSB No. 12547)

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**CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing was filed electronically via the CM/ECF electronic filing system on April 15, 2020 and served on all counsel registered in the system.

/s/ Natalie Deyneka

Natalia Deyneka (WVSB No. 12978)

**MOTLEY RICE LLC**